

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CLYDE KIRBY WHITLEY,
Petitioner,

v.

FRANK STRADA; STATE OF NORTH
CAROLINA,

Respondents.

Judgment in a Civil Case

Case Number: 5:12-HC-2016-BO

Decision by Court.

This action came before the Honorable Terrence W. Boyle, United States District Judge, for an initial review pursuant to Rule 4 of the Rules Governing § 2254 cases in the United States District Court.

IT IS ORDERED AND ADJUDGED that this action is hereby dismissed without prejudice to allow him to seek relief in the appropriate state court.

This Judgment Filed and Entered on August 16, 2012, with service on:

Clyde Kirby Whitley 50693-056, L.S.C.I. - Allenwood, P.O. Box 1000, White Deer, PA 17887-2000 (via U.S. Mail)

August 16, 2012

/s/ Julie A. Richards

Clerk